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Congress of the United States

House of Representatives

Washington, DC 20515

April 1, 2011

Chairman Julius Genachowski
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Appellant-Union County Public Schools (NC)
BEN: 126955
FCC Registration: 0011855616
Form 471 Number: 648043
Funding Request Number: 1782773

Dear Chairman Genachowski,

I am writing this letter on behalf of Union County Public Schools (UCPS) and their appeal of the funding denial in which funding year 2009, 2010 have been denied and the reimbursement provided in funding year 2008 is being demanded back. I have been apprised of the circumstances and feel that, while the provision and receipt of concert tickets may not have been a good decision for those involved, it is not in violation of the competitive bidding requirements for the following reasons:

1. The transaction occurred well after the contract had been awarded;
2. The contract was awarded to the lowest and most responsive bidder; and,
3. Until the FCC developed the definition of nominal in 2010, long after the concert tickets were provided and even after USAC made the initial determination, there was no standard by which to judge the actions. It is patently unfair to hold a school district to a standard that had not yet been adopted.
4. There was no violation of Board of Education policy with receipt of the tickets, and, USAC lacks the authority to interpret Board of Education policy.

The goals of Universal Service, as mandated by the 1996 Act, are to promote the availability of quality services at reasonable and affordable rates for all consumers; increase nationwide access to advanced telecommunications services; advance the

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availability of such services to all consumers, including those in low income, rural, insular, and high cost areas at rates that are reasonably comparable to those charged in urban areas; increase access to telecommunications and advanced services in schools, libraries and rural health care facilities; and to provide equitable and non-discriminatory contributions from all providers of telecommunications services to the fund supporting universal service programs.

USAC has denied funding for three fiscal years although the goals of the Fund remain intact and are still upheld with integrity, as no procurement violations were compromised by UCPS. Now in the seventh month awaiting a decision on appeal, UCPS is not the only entity being punished for a policy that did not exist. The citizens, and most ironically, the children of the Union County Public School district are now being made to suffer as UCPS must budget with this deficiency.

Therefore, I respectfully make the following two requests. Carefully weigh the arguments made by UCPS in their appeal considering the rules that were in place at the time of the action. Secondly, in this time of fiscal urgency and the dire need for technology in our public schools, I request that you make your determination in the most expeditious manner appropriate.

Sincerely,



Larry Kissell
Member of Congress

cc: Commissioner Michael J. Copps
Commissioner Mignon Clyburn
Commissioner Meredith Attwell Baker
Joel Gurin, Bureau Chief
Dr. Ed Davis
Ms. Maureen Rooney



FEDERAL COMMUNICATIONS COMMISSION

May 31, 2011

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Larry Kissell
U.S. House of Representatives
1632 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Kissell:

Thank you for your letter regarding three appeals filed by the Union County Public Schools with the Universal Service Administrative Company (USAC) regarding to the school district's applications for funding under the federal universal service schools and libraries support mechanism for funding years 2008, 2009, and 2010. This program is commonly referred to as the E-rate program. Your concerns are very important to me.

The Commission's policies strive to balance the goal of providing the important benefits of the E-rate program to eligible schools and libraries with the need to protect the integrity of the program and investigate potential waste, fraud, and abuse. Commission staff has confirmed that USAC received the appeals and is reviewing them. USAC has assured the staff that it is making every effort to conclude its review as quickly and equitably as possible. If Union County Public Schools is unsatisfied with USAC's decision once it is issued, the school may file an appeal with the Commission within 60 days from the date of the USAC decision.

I appreciate your interest in this important matter. Please let me know if I can be of any further assistance.

Sincerely,



Julius Genachowski